

AMENDMENTS TO THE CLAIMS

This listing of claims replaces all prior versions of claims in the application.

1. (Currently amended): A metal oxynitride electrode catalyst comprising an oxynitride containing at least one transition metal element selected from the group consisting of La, Ta, Nb, Ti, and Zr, the metal oxynitride electrode catalyst ~~being used at a potential of 0.4 V or higher relative to the reversible hydrogen electrode potential in an acidic electrolyte, wherein atomic~~ ratio of (transition metal element):(oxygen):(nitrogen) is $(1\pm0.1):(1\pm0.1):(1\pm0.1)$.

2. (Original): The metal oxynitride electrode catalyst according to Claim 1, wherein the metal oxynitride electrode catalyst is dispersed as fine particles on a catalyst carrier which is an electronically conductive powder.

3. (Cancelled).

4. (New) The metal oxynitride electrode catalyst according to Claim 1, wherein the metal oxynitride electrode catalyst is an electrode catalyst in a fuel cell, and the metal oxynitride electrode catalyst is used at a potential of 0.4 V or higher relative to the reversible hydrogen electrode potential in the acidic electrolyte.

Amendment under 37 CFR §1.111
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5. (New) The metal oxynitride electrode catalyst according to Claim 1, wherein the metal oxynitride electrode catalyst is an electrode catalyst in an electrolytic apparatus, and the metal oxynitride electrode catalyst is used at a potential of 0.4 V or higher relative to the reversible hydrogen electrode potential in the acidic electrolyte.